THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1513 of 2007

Date: 29.01.2007

Between:

M/s.Global Surgicals

....Petitioner

and

The Secretary,
Regional Transport Authority,
Hyderabad Central Zone, Hyderabad

....Respondent

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1513 of 2007

O R D E R:

The petitioner purchased a Maruthi Zen Car in the year 1998 by securing finances from M/s.Apple Credit Corporation Limited, Hyderabad. The vehicle was assigned registration No.AP09 AA 5085. Since there existed hire purchase agreement between the petitioner and its financier, necessary entry was made in the R.C. book. He states that all the instalments were paid to the financier and that they have issued a letter, dated 08.05.2000, acknowledging the payment. It is stated that the finance agency has ceased to exist and when the petitioner submitted an application in Form No.35 along with the letter, dated 08.05.2000 issued by the financier, with a request to cancel the hire purchase agreement, the respondent is not taking any action thereon.

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

The respondent can act on an application is made or notice is issued in Form No.35, if only it is signed by the owner of the vehicle and the financier. According to the petitioner, the financier is no more in existence and that way back in the year 2000, they issued a letter of no

dues. In the said letter, reference is made to no objection certificate and even Form No.35. In the absence of signature of the financier on Form No.35, the respondent is not supposed to act. However, if the statement of the petitioner that the financier is not in existence is true, he cannot be made to suffer forever. To be on safe side and to ensue compliance in Form No.35, the respondent can issue notice to the financier, to the address entered in the R.C. book and take necessary steps depending on the response.

Hence, the writ petition is disposed of, directing the respondent to receive the application of the petitioner without insisting on signature of the financier and thereafter, issue notice to the financier to the address mentioned in the R.C. book, intimating the proposed action of cancellation of the entry in the R.C. book. If the financier presents his version, the same shall be taken into account and on the other hand, if there is no response within two weeks from the date of service of notice, the respondent shall take necessary steps for cancellation of the entry in the
R.C. book. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

29th JANUARY, 2007.

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